

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DAG  
ZJW**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
MEDIA.P-4 CIP

First named inventor: Jeremy Mitts et al.

Application No.: 09/911,320

Art Unit: 2614

Filed: 7/23/2001

Examiner: Brian F. Yenke

Title: METHOD AND SYSTEM FOR THE AUTOMATIC COLLECTION AND  
CONDITION OF CLOSED CAPTION...

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Declaration in Support of Petition Request (identify type of reply):

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.  
 has been paid previously on 7/21/2005.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

October 11, 2005  
Date

Marvin Feldman  
Typed or printed name

25,797  
Registration Number, if applicable

One Chase Road, Scarsdale, NY 10583  
Address

(914) 723-4300  
Telephone Number

Address

Enclosures:  Fee Payment  
 Reply  
 Terminal Disclaimer Form  
 Additional sheets containing statements establishing unintentional delay  
 Other: Declaration in Support of Petition, Copies of Notice of Allowance Papers

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

October 11, 2005  
Date

  
Signature

Marvin Feldman  
Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Certificate of Mailing  
I hereby certify that this correspondence is being deposited in the  
United States Postal Service attention Commissioner of Patents Box 1450,  
Alexandria, VA 22313-1450

Marvin Feldman *Marvin Feldman*  
Dated: *October 11, 2005*

Applicant hereby petitions that any and all extensions of the term  
necessary to render this response timely be granted. Costs for such  
extension(s) and or any other fee due with this paper, not fully covered  
by an enclosed check may be charged to Deposit Account #10-0100.

Inventors: Jeremy Mitts et al.

Serial No.: 09/911,320

Filed: 7/23/2001

Examiner: Brian F. Yenke

Art Unit: 2614

Title: METHOD AND SYSTEM FOR THE AUTOMATIC  
COLLECTION AND CONDITION OF CLOSED CAPTION...

Docket No.: MEDIA.P-4 CIP

Customer Code: 28752

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MS: Petition / Fee  
Commissioner of Patents and Trademarks  
Box 1450  
Alexandria VA 22313-1450

**DECLARATION IN SUPPORT OF PETITION TO REVIVE AN  
UNINTENTIONALLY ABANDONED APPLICATION AND TO  
ACCEPT ALLEGEDLY LATE PAYMENT OF ISSUE FEE**

Hon. Sir:

MARVIN FELDMAN hereby declares and states that

1. I am the attorney-of-record in the above-identified patent application.

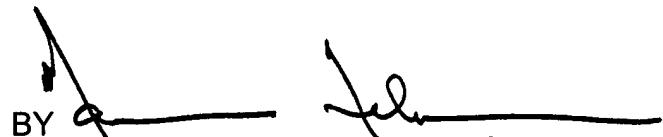
2. I make this declaration in support of a petition to accept the allegedly delayed payment of the issue fee for the above-identified application, and to issue the patent. I make this declaration on facts personally known to me and on information and belief.
3. On January 26, 2005, a Notice of Allowance was issued. The Notice of Allowance wrongly identified the allowed claims.
4. I, upon inspection of the Notice of Allowance, placed a telephone call to Examiner Mr. Brian Yenke. I requested that Examiner Mr. Brian Yenke issue a corrected Notice of Allowance. No issue fee was or could reasonably have been made as to the errant Notice of Allowance.
5. A corrected Notice of Allowance termed "Supplemental" Notice of Allowance was issued dated April 25, 2005. The issue fee was paid within 3 months of the date of the corrected Notice of Allowance. Copies of the issue fee papers are enclosed.
6. A Notice of Abandonment was issued dated August 17, 2005.
7. Upon receipt of the Notice of Abandonment, I placed a telephone call to Examiner Mr. Brian Yenke. Mr. Yenke suggested that I contact the Publication's Branch to resolve this issue. My staff, on several occasions, and I undertook to contact personnel for a prompt resolution and acceptance of the issue fee. The Patent Office on or about September 22, 2005, advised my office by telephone that the

there was no re-setting of the 3 months time period by the corrected, i.e. "Supplemental" Notice of Allowance.

8. This petition was promptly prepared and filed upon the September 22, 2005 notice by telephone from the Patent Office.
9. The abandonment was unintentional.
10. The required petition fee in the amount of \$750 is enclosed for reviving the unintentionally abandoned application. Any additional fees or overpayments can be charged or credited to the undersigned Attorney's Deposit Account 10-0100.
11. Applicants respectfully request an early issuance of the patent.

Respectfully submitted,

LACKENBACH SIEGEL, LLP

BY   
Marvin Feldman  
Ref. 25,797

MF:k

Date: October 11, 2005  
One Chase Road  
Scarsdale, NY 10583  
(914) 723-4300  
Enclosure



Honorable Director of U.S. Patent  
and Trademark Office  
Washington, D.C. 20231

OPIE JUL 25 2005

Inventor: *Terry M. Metz et al*  
Docket No.: *1618*  
Serial No.: *09/911,320*  
Resp. Due: *7/23/2005*  
Date Sent: *7/21/2005*

*Ref. Acct*

Sir:

Kindly acknowledge receipt of the accompanying

Month(s) Ext. of Time  
 Amendment  
 Response  
 Response to Final  
 Appeal Brief  
 Priority Doc./Claim letter  
 37 CFR 1.8(a) Cert.  
 37 CFR 1.10

Cert. No. \_\_\_\_\_

New Application  
 Unsigned Decl.  
 Signed Decl.  
 \$ 4000 Check  
 \$ \_\_\_\_\_ Charge  
 Issue Fee  
 Discl. Statement (IDS)  
 PTO - 1449  
 \_\_\_\_\_ - No. of Refs

5 Sheets of Dwgs.  
 Formal Dwgs.  
 Informal Dwgs.  
 Notice of Appeal  
 Assignment/Rec Form  
 Other *Publication*

*5 Sheets of  
annotated drawings  
copy notice of "Supp"  
allowance  
cover letter  
Response to drawings*

by placing your receiving date stamp hereon and mailing.  
Internal Firm Tab # \_\_\_\_\_ for check/charge

LACKENBACH SIEGEL LLP

LACKENBACH SIEGEL BUILDING  
ONE CHASE ROAD  
SCARSDALE, NY 10583, U.S.A.

JPMORGAN CHASE BANK  
SCARSDALE, NY 10583  
1-2-2107

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DATE CHECK AMOUNT

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RDER

IF: DIR. OF THE U.S. PATENT & TRADEMARK OFFICE

\*\*\* ONE THOUSAND & 00/100 DOLLARS

*Myk Henr*

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Honorable Director of U.S. Patent  
and Trademark Office  
Washington, D.C. 20231

Inventor: *Jeremy Netto et al*  
Docket No.: *PC 6210*  
Serial No.: *09/911,320*  
Resp. Due: *7/25/2005*  
Date Sent: *7/25/2005*

Sir:

Kindly acknowledge receipt of the accompanying

Month(s) Ext. of Time  
 Amendment  
 Response  
 Response to Final  
 Appeal Brief  
 Priority Doc./Claim letter  
 37 CFR 1.8(a) Cert.  
 37 CFR 1.10

Cert. No. \_\_\_\_\_

New Application  
 Unsigned Decl.  
 Signed Decl.  
 \$ 1000 Check  
 \$ \_\_\_\_\_ Charge  
 Issue Fee  
 Discl. Statement (IDS)  
 PTO - 1449  
 - No. of Refs

5 Sheets of Dwgs.  
 Formal Dwgs.  
 Informal Dwgs.  
 Notice of Appeal  
 Assignment/Rec Form  
 Other *Publication*  
*5 Sheets of  
Annotated drawings*  
*Copy Notice of "Supp"  
allowance*  
*cover letter of  
Normal drawings*

by placing your receiving date stamp hereon and mailing  
Internal Firm Tab # for check/charge



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 13 2005

APTS  
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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,320	07/23/2004	Jeremy Mitts	MEDIA P-4 CIP	3592
28752	7590	04/25/2005	EXAMINER	
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			YENKE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

APR 9 7 2005

By

MDC DOCKET

"Supplemental  
Notice of Allowability"

OCT 13 2005

Application No.

09/911,320

Examiner

BRIAN P. YENKE

Applicant(s)

MITTS ET AL.

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 24 Sep 04.
2.  The allowed claim(s) is/are 1-12.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

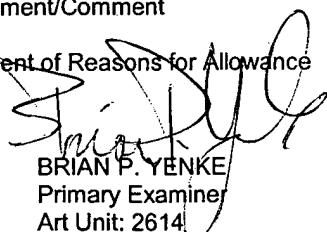
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 26 Jan 05.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
 BRIAN P. YENKE  
 Primary Examiner  
 Art Unit: 2614